

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Case No. 07-00334-01-CR-W-NKL
)
)
ALBERTO JIMENEZ-MARQUEZ,)
)
)
Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

On January 22, 2008, Judge Sarah W. Hays, United States Magistrate Judge, recommended that the Court enter an Order denying Alberto Jimenez-Marquez's Motion to Suppress Evidence and Statement. *See* Report and Recommendation [Doc. # 47]. The Magistrate's Report and Recommendation reminded the parties that they had ten days from the date of receipt of a copy of the Report and Recommendation to file and serve objections to same. Neither party has filed an objection to the Magistrate's Report and Recommendation.

Having conducted an independent review of the record, the Court concludes that Judge Hays's Report and Recommendation should be adopted. The Magistrate's Report and Recommendation found that the Defendant's failure to stop completely at a stop sign provided the officer with probable cause to stop the driver of the vehicle. Further, Judge Hays found that Jimenez-Marquez's testimony that he did not commit a traffic violation was not credible because the Defendant had lied about his identity and also testified to facts

directly contradicted by the patrol car's videotape. The Court has reviewed the record from the motion to suppress hearing conducted by Judge Hays on December 20, 2007, and it finds that the credible evidence provided at the hearing supports Judge Hays's Report and Recommendation.

Accordingly, it is hereby

ORDERED that Judge Hays's Report and Recommendation of January 22, 2008, [Doc. # 47] is adopted.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

DATE: February 13, 2008
Jefferson City, Missouri